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Supreme Court, U.S.
FILED
DEC 4 - 2007
OFFICE OF THE CLERK

No. (1) 07-774

IN THE

SUPREME COURT OF THE UNITED STATES

Elizabeth Alden – PETITIONER

vs.

Onondaga County Sheriff's Department – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

New York State Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Elizabeth Alden
10 Clinton St., # 807
Whitesboro, NY 13492
(315) 768-7698

QUESTION(S) PRESENTED

1. Is the construction of New York State Mental Hygiene Law's statute Article 9 constitutional?

2. Were the Petitioner's constitutional right's violated?

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

CORPORATE DISCLOSURE STATEMENT

There is no parent or publicly held company owning 10% or more in a corporation's stock.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Matter of James, 29 A D 2d 72	4
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In the Matter of Charles Judge, 192 Misc. 2d 203	4
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STATUTES AND RULES	
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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix D to the petition.

The Opinion of the New York State Court of Appeals court appears at Appendix D to the petition.

JURISDICTION

To date on which the highest state court decided my case was June 12, 2007. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: September 18, 2007, and a copy of the order denying rehearing appears at Appendix D.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257 (a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- The Constitution of the United States of America, Article III, and Amendments 4, 5, 6 and 14.

- NYS Mental Hygiene Law, Article 9.

STATEMENT OF THE CASE

1. Under New York State Mental Hygiene Law's Statute Article 9 there exists no provisions for jury trials, and other constitutional rights as to confront witnesses against you, to obtain witnesses in your favor, to be provided with counsel for your defense, or to have equal protection of the laws. (Refer to the United States Constitution of America, Article III, and Amendments 4, 5, 6 and 14).

2. The Petitioner herein was alleged by the Respondent of NYS MHL Article 9. Due to the unconstitutional construction of the New York State Mental Hygiene Law's Article 9 statute, the Petitioner has had no way to prove the allegations are false. As with Matter of James; Matter of Coates; People v. Fuller; In the Matter of Charles Judge; In the Matter of Paul James and others Mental Hygiene Law's statutes were found unconstitutional and overturned by the Courts.

REASONS FOR GRANTING THE PETITION

The lower courts have ruled erroneously and the Petitioner therefore respectfully requests the Supreme Court of the United States review and overturn their decisions.

CONCLUSION

The Petitioner's Constitutional rights were violated by the Onondaga County Sheriff's Department under the New York State Mental Hygiene Law's Article 9 which does not provide for the United States Constitution's Article III and Amendments 4, 5, 6 and 14. The Petitioner whose constitutional rights have been violated, respectfully requests the petition granted.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Elizabeth Alden

Elizabeth Alden

Date: 12/4/07

APPENDIX A

State of New York
Court of Appeals

Stuart M. Cohen
Clerk of the Court

Clerk's Office
Albany, New York 12207-1095

DECISION June 12, 2007

Mo. No. 725 SSD 35
Elizabeth Alden,
Appellant,
v.
Onondaga County
Sheriff's
Department,
Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the orders appealed from do not finally determine the action within the meaning of the Constitution.

Judge Pigott took no part.

APPENDIX B

John V. Centra
Justice

Supreme Court
Chambers
Suite 411
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Syracuse, NY 13202
(315) 671-1105
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Lois Reitz
Principal Law
Clerk

Dawne M.
Delcoro
Secretary

November 7, 2005

Ms. Elizabeth Alden
P.O. Box 11502
Syracuse, NY 13218

Karen A. Bleskoski, Esq.
Deputy County Attorney
421 Montgomery St., 10th Floor
Syracuse, NY 13210

Re: Alden v. Onondaga County Sheriff's Department
Index No. 04-2861
R.J.I. No. 33-04-2433

Dear Ms. Alden and Ms. Bleskoski:

Plaintiff brought an application before this court

seeking an order authorizing release of 911 tapes. Defendant does not object to this relief. Accordingly, plaintiff's motion is granted.

Plaintiff has also brought an application to disqualify me on the ground that I have "not guaranteed" that I have "never participated in the unconstitutional law". This is not a basis for recusal. Accordingly, plaintiff's motion to disqualify me is denied.

Defendant is to submit an order on notice.

Very truly yours,

s/John V. Centra

John V. Centra
Supreme Court Justice

JVC/dmd

APPENDIX B

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Justice

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Clerk

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November 22, 2005

Ms. Elizabeth Alden
P.O. Box 11502
Syracuse, NY 13218

Karen A. Bleskoski, Esq.
Deputy County Attorney
421 Montgomery St., 10th Floor
Syracuse, NY 13210

Re: Alden v. Onondaga County Sheriff's Department
Index No. 04-2861
R.J.I. No. 33-04-2433

Dear Ms. Alden and Ms. Bleskoski:

Defendant brought an application before this

court seeking dismissal of plaintiff's amended complaint. Defendant contends that the amended complaint fails to state a cause of action due to the lack of available and/or requested relief.

Defendant has repeatedly sought plaintiff's medical records and mental health/psychiatric records. Despite being ordered to provide these records to defendant, plaintiff has repeated refused to do so. This Court previously granted defendant's motion to compel medical authorizations from plaintiff. Despite this order, plaintiff refused to provide medical authorizations to defendant.

On April 22, 2005, plaintiff appeared at Defendant's attorney's office for a deposition. During that deposition, she objected and refused to answer questions regarding her medical/mental health treatment for the incidents alleged in her amended complaint.

Plaintiff has failed to comply with this Court's orders. She has not sought a stay of any order and has not perfected any appeal that she has tried to file.

Without medical proof, plaintiff is unable to prove that she sustained any damages for the causes of action she alleges in her complaint. Further, plaintiff has not demonstrated through any of the documents that she has submitted to the court that the New York State Mental Hygiene Law is unconstitutional as alleged. In addition, she has not shown she is entitled to punitive damages. Accordingly, Defendant's motion

to dismiss plaintiff's complaint is granted.

Defendant is to submit an order on notice.

Very truly yours,

s/John V. Centra

John V. Centra
Supreme Court Justice

JVC/dmd

APPENDIX C

Supreme Court of the State of New York
Appellate Division, Fourth Judicial Department

DOCKET NOS. CA 06-01897 AND CA 06-02565

PRESENT: SCUDDER, P.J., HURLBUTT, GOORSKI, MARTOCHE, AND SMITH, JJ.

ELIZABETH ALDEN, PLAINTIFF-APPELLANT,

V

ONONDAGA COUNTY SHERIFF'S DEPARTMENT, DEFENDANT-RESPONDENT.

Appellant having moved for a stay of all proceedings on her appeals from orders of the Supreme Court entered in the Office of the Clerk of the County of Onondaga on December 22, 2205,

Now, upon reading and filing the affidavit of Elizabeth Alden sworn to March 12, 2007, the notice of motion with proof of service thereof, and due deliberation having been had thereon,

It is hereby ORDERED that the motion be, and the same hereby is, denied.

Entered: April 3, 2007 JoAnn M. Wahl, Clerk

APPENDIX D

State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany on the eighteenth day of September 2007

Present, Hon. Judith S. Kaye, Chief Judge, presiding.

Mo. No. 890
Elizabeth Alden,
Appellant,
v.
Onondaga County Sheriff's Department,
Respondent.

A motion having heretofore been made herein upon the part of the appellant for reconsideration of this Court's June 12, 2007 dismissal order, papers having been submitted thereon and due deliberation having been thereupon had, it is ORDERED, that said motion be an the same hereby is denied.

Judge Pigott took no part.

s/Stuart M. Cohen

Stuart M. Cohen
Clerk of the Court

No. _____

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